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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/773,328

02/09/2004

Masao Kato

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EXAMINER

PARK, CHAN S

ART UNIT

PAPER NUMBER

2625

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/773,328	<b>Applicant(s)</b> KATO ET AL.	
	<b>Examiner</b> CHAN S. PARK	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

DOUGLAS Q. TRAN  
PRIMARY EXAMINER

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims are objected to because of the following informalities:

Claim 1, lines 14-15, "the image" should be -- a sensed image --;

Claim 1, line 23, "a sensed image" should be -- the sensed image --; and

Claim 7, line 20, "correcting image data" should be -- correcting the image data --

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 9, 14 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. Claim 4 recites the limitation "a feature amount of a type". There is insufficient antecedent basis for this limitation in the claim. It is unclear if this feature amount refers to the feature amount recited in claim 1.

3. With respect to claims 9, 14 and 18, arguments analogous to those presented for claim 4, are applicable.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa et al. U.S. Patent Application Publication No. 2004/0201727 (hereinafter Ichikawa) in view of Breidenbach et al. U.S. Patent Application Publication No. 2003/0084085 (hereinafter Breidenbach).

4. With respect to claim 1, Ichikawa discloses a printing system in which an image sensing apparatus and printing apparatus directly communicate with each other, and said printing apparatus prints image data transmitted from the image sensing apparatus (abstract & paragraphs 82, 88 & 89),

wherein said printing apparatus comprises:

first reception means for receiving image data and information associated with a feature amount of the image from said image sensing apparatus (fig. 11 & paragraphs 130~133); and

correction means for correcting the image data received by said first reception means on the basis of the feature amount (paragraphs 130~137), and

said image sensing apparatus comprises:

feature amount extraction means for extracting a feature amount of a sensed image (fig. 11); and

second transmission means for transmitting information associated with the feature amount extracted by said feature amount extraction means to said printing apparatus on the basis of the function information received by said second reception means (fig. 11 & paragraphs 130~133).

Ichikawa, however, does not explicitly disclose said printing apparatus comprising first transmission means for transmitting function information of said printing apparatus from said printing apparatus to said image sensing apparatus after a protocol is established by applications installed in said printing apparatus and said image sensing apparatus, and said image sensing apparatus comprising second reception means for receiving the function information from said printing apparatus.

Breidenbach, the same field of endeavor of the digital image processing system, discloses a printing apparatus comprising first transmission means for transmitting function information of said printing apparatus (capabilities of the printer in paragraph 46) from said printing apparatus to an image sensing apparatus after a protocol is established by applications installed in said printing apparatus and said image sensing apparatus (establishing a communication by certain protocol required in the particular network disclosed in paragraph 44), and said image sensing apparatus comprising second reception means for receiving the function information from said printing apparatus (paragraph 46).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the capability exchange method of Breidenbach into the printing system of Ichikawa.

The suggestion/motivation for doing so would have been to check the compatibility/functionality of the printer and to inform the user of the printer capability prior to sending the image data for print.

Therefore, it would have been obvious to combine Ichikawa with Breidenbach to obtain the invention as specified in claim 1.

5. With respect to claim 2, Ichikawa discloses the system, wherein said printing apparatus comprises output means for printing out the image corrected by said correction means (paragraph 133 & fig. 14).

6. With respect to claim 3, Ichikawa discloses the system, wherein said image sensing apparatus further comprises designation means for designating an image to be transmitted to said printing apparatus, and said second transmission means transmits the information associated with the feature amount together with information that designates the image designated by said designation means (figs. 126~133).

Furthermore, the examiner takes an Official Notice that selecting, via a display of the digital camera, an image to be transmitted/printed is well known in the digital camera art. Therefore, it would have been obvious to incorporate the designation means for selecting a certain image for printing.

7. With respect to claim 4, the combination of Ichikawa and Breidenbach discloses the system, wherein said second transmission means transmits a feature amount of a type according to the function information received by said second reception means (paragraphs 130~133 of Ichikawa & paragraph 46 of Breidenbach). Note that the image

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data with its attributes is transmitted according to the capability information received by the digital camera.

8. With respect to claim 5, Ichikawa discloses the system, wherein said feature amount extraction means generates histograms associated with lightness, saturation, and hue of a sensed image (paragraphs 130~134).

9. With respect to claim 6, Ichikawa discloses the system, wherein said printing apparatus comprises:

feature amount extraction means for extracting a feature amount of an image from the image data received by said first reception means (paragraphs 130~134); and

correction means for correcting the image data received by said first reception means on the basis of at least one of information associated with a first feature amount of the image received from said image sensing apparatus, and a second feature amount of the image extracted by said printing apparatus (paragraphs 130~134).

10. With respect to claims 7, 10, 12, 13 and 17, arguments analogous to those presented for claim 1, are applicable.

11. With respect to claim 8, arguments analogous to those presented for claim 2, are applicable.

12. With respect to claims 9, 14 and 18, arguments analogous to those presented for claim 4, are applicable.

13. With respect to claims 11 and 15, arguments analogous to those presented for claim 5, are applicable.

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14. With respect to claim 16, the combination of Ichikawa and Breidenbach discloses the apparatus according to claim 13, further comprising image sensing means and recording means for recording image data obtained by said image sensing means on a recording medium (memory for storing the image data in figs. 9 & 11 of Ichikawa), and in that said feature amount extraction means extracts a feature amount upon sensing an image, and records information associated with the feature amount on the recording medium together with the image data (paragraphs 130~133), and said transmission means selectively transmits one of feature amounts recorded on the recording medium in accordance with the function information (figs. 126~133). Furthermore, the examiner takes an Official Notice that selecting, via a display of the digital camera, an image to be transmitted/printed is well known in the digital camera art. Therefore, it would have been obvious to incorporate the designation means for selecting a certain image for printing.

15. With respect to claim 19, arguments analogous to those presented for claim 16, are applicable.




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**Contact Information**

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DOUGLAS Q. TRAN  
PRIMARY EXAMINER

Chan S. Park  
Examiner  
Art Unit 2625



csp  
September 18, 2007